

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RAFAEL MARTINEZ,

Defendant.

2:19-CR-129-JCM-DJA

Preliminary Order of Forfeiture

This Court finds Rafael Martinez pled guilty to Count One of a One-Count Superseding Criminal Information charging him with felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). Superseding Criminal Information, ECF No. 48; Plea Agreement, ECF No. 50; Arraignment and Change of Plea, ECF No. 51.

This Court finds Rafael Martinez agreed to the forfeiture of the property set forth in the Stipulation to Modify Plea Agreement and the Forfeiture Allegation of the Superseding Criminal Information. Superseding Criminal Information, ECF No. 48; Arraignment and Change of Plea, ECF No. 51; Stipulation to Modify Plea Agreement, ECF No. 53.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Stipulation to Modify Plea Agreement and the Forfeiture Allegation of the Superseding Criminal Information and the offense to which Rafael Martinez pled guilty.

The following property is any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. § 922(g)(1), and is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) with 28 U.S.C. § 2461(c):

1. a Sig Sauer, model SP2340, .40 caliber, serial number SP0027878; and

2. any and all ammunition.
(all of which constitutes property).

This Court finds that the United States of America may amend this order at any time to add subsequently located property or substitute property to the forfeiture order pursuant to Fed. R. Crim. P. 32.2(b)(2)(C) and 32.2(e).

This Court finds the United States of America is now entitled to, and should, reduce the aforementioned property to the possession of the United States of America.

NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States of America should seize the aforementioned property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory rights, ownership rights, and all rights, titles, and interests of Rafael Martinez in the aforementioned property are forfeited and are vested in the United States of America and shall be safely held by the United States of America until further order of the Court.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of America is not required shall publish for at least thirty (30) consecutive days on the official internet government forfeiture website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the time under the applicable statute when a petition contesting the forfeiture must be filed, and state the name and contact information for the government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and 21 U.S.C. § 853(n)(2).

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's right, title, or interest in the forfeited property and any additional facts supporting the petitioner's petition and the relief sought.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
2 must be filed with the Clerk of the Court, 501 Las Vegas Boulevard South, Suite 1100, Las
3 Vegas, Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice
4 was not sent, no later than sixty (60) days after the first day of the publication on the official
5 internet government forfeiture site, www.forfeiture.gov.

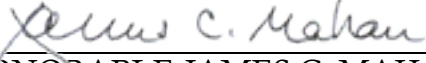
6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
7 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
8 Attorney's Office at the following address at the time of filing:

9 Daniel D. Hollingsworth
10 Assistant United States Attorney
James A. Blum
11 Assistant United States Attorney
501 Las Vegas Boulevard South, Suite 1100
12 Las Vegas, Nevada 89101.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice
14 described herein need not be published in the event a Declaration of Forfeiture is issued by
15 the appropriate agency following publication of notice of seizure and intent to
16 administratively forfeit the above-described property.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send
18 copies of this Order to all counsel of record.

19 DATED April 13, 2020.

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21 
22 HONORABLE JAMES C. MAHAN
23 UNITED STATES DISTRICT JUDGE
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CERTIFICATE OF SERVICE

A copy of the foregoing was served upon counsel of record via Electronic Filing on April 10, 2020.

/s/ Maritess Recinto
MARITESS RECINTO
Paralegal Specialist
US Attorney's Office